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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,172	07/22/2005	Manabu Kii	275193US6PCT	7849
22850	7590	08/18/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			VU, BAI D	
			ART UNIT	PAPER NUMBER
			2165	
			NOTIFICATION DATE	DELIVERY MODE
			08/18/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/543,172	<b>Applicant(s)</b> KII ET AL.	
	<b>Examiner</b> Bai D. Vu	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/22/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant has amended claims 1, 5-7, 9, 12 and 15-18 in the amendment filed on 4/28/2009.

Claims 1-28 are pending in this office action.

### ***Response to Arguments***

2. Applicant's arguments filed on 4/28/2009 with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

## **Notes**

3. With respect to **claim 15** which is recording apparatus claim, and **claims 17-18** which are reproducing apparatus claims, the recited "recoding medium" in the claims defined as "a disc-shaped recording medium" is interpreted as hardware physical device, such as a storage device, as taken in view of the instant specification on page 3 lines 5-6. Therefore, the recording apparatus of claims 15 and 25, and the reproducing apparatus of claims 16-18 and 26-28 are statutory under 35 U.S.C. § 101.

### **Regarding the applicant's argument:**

- Applicant asserted, on pages 15-16 of the Remarks requests a clarification of the examiner notes as to the application of 35 U.S.C. § 112, sixth paragraph, with respect to the claimed "the recording medium".

In response to the applicant's argument, the examiner respectfully explains as the followings:

Independent claims 6, 7, 9 and 12 include the means for plus functions as recited in the claims (i.e., claim 6 line 2; claim 7 lines 2 and 7; claim 9 lines 2 and 7; and claim 12 lines 2 and 8), which are considered to invoke 35 U.S.C. § 112, sixth paragraph. Thus, the examiner interpreted the recording medium as recited in the claims as a hardware device in order to meet the requirements of the 35 U.S.C. § 112, sixth paragraph.

Independent claims 15-18 do not include the means for plus functions in the claims. However, the claims were mistakenly considered to invoke 35 U.S.C. § 112, sixth paragraph by the examiner. Thus, claims 15-18 are withdrawn from the examiner notes in the last office action.

- Applicant asserted, on page 16 of the Remarks that claim 1 is directed to a computer-readable storage medium comprising a contents area and a database area, supplementary data included in a contents file or the supplementary data included in a database file being accessed by a reproducing apparatus based on a memory capacity of the reproducing apparatus. Claim 1 is not directed to a method performed by a processor when executing executable instructions on a computer- readable storage medium. Accordingly, it is respectfully requested that the objection to claim 1 be withdrawn.

In response to the applicant's argument, the examiner respectfully disagrees because the storage medium must store executable instructions capable of being executed by a machine in order to realize its functionality. See **MPEP § 2106.01**. Thus, the objection of claim 1 is hereby maintained.

- Applicant asserted, on pages 16-21 of the Remarks that Seo et al. (US Pub. No. 2004/0010415 A1) in view of Fukuda (US Pat. No. 6,469,239 B1) fails to disclose the amended limitations:

**wherein said supplementary data included in the contents file or said supplementary data included in the database file is accessed by a reproducing apparatus based on a memory capacity of the reproducing apparatus,**

**said supplementary data included in the contents file is accessed when the reproducing apparatus has a small memory capacity, and**

**said supplementary data included in the database file is accessed when the reproducing apparatus has a sufficient memory capacity**  
as recited in independent claims 1, 5-7, 9, 12 and 15-18.

In response to the applicant's argument, the examiner respectfully disagrees because:

Seo et al. discloses:

**wherein said supplementary data included in the contents file or said supplementary data included in the database file is accessed by a**

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**reproducing apparatus based on a memory capacity of the reproducing apparatus** (see e.g., ¶ 0016 lines 1-24 as recording the directory database (i.e., referred as database file) in the second recording media, wherein fields contained directory information being accessed during the recording process).

**said supplementary data included in the database file is accessed when the reproducing apparatus has a sufficient memory capacity** (see e.g., ¶ 0016 lines 1-18; as the act of recording the directory database (i.e., referred as database file) in the second recording media must inherently required a sufficient memory capacity in the second recording media in order to record the directory database).

Fukuda discloses:

**said supplementary data included in the contents file is accessed when the reproducing apparatus has a small memory capacity** (see e.g., col. 17 line 66 to col. 18 line 27; as a file size of the compression music data (i.e., referred as a supplementary data) included in the contents file; and the vacant capacity in the HDD 106 of the portable recording and reproducing apparatus 70 is found insufficient when it is compared to the file size of the compression music data). Furthermore, this interpretation is deemed reasonable as applicant offer no explicitly and deliberate definitions in the instant disclosure to further narrow the claimed limitation nor is there any more specific implicit evidence for a narrower interpretation.

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As discussed above, the rejection under 35 U.S.C. § 103 of independent claims 1, 5-7, 9, 12 and 15-18 is hereby maintained.

- Applicant asserted, on page 21 of the Remarks that Ogihara et al. (US Pub. No. 2004/0117547 A1) fails to remedy the deficiencies of Seo et al. and Fukuda references; therefore, dependent claims 4, 11 and 14 patentably define over any proper combination of the Seo et al., Fukuda and Ogihara et al..

In response to the applicant's argument, the examiner respectfully disagrees because Seo et al. in view of Fukuda discloses the limitations in independent claims 1, 9 and 12 as discussed above; therefore, the rejection under 35 U.S.C. § 103(a) to claims 4, 11 and 14 as being obvious over the teachings of Seo et al., in view of Fukuda, and further in view of Ogihara et al. is proper.

4. The applicant is reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541,550-51 (CCPA 1969). Therefore, the aforementioned assertion is moot.

***Claim Objections***

5. **Claim 1** is objected for improper construction of computer readable storage medium preamble. The preamble of claim 1 should be written as “A computer program embodied on a computer readable storage medium having executable instructions when executed by a processor perform:”.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claims 1, 5-7, 9, 12 and 15-18** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The amended limitation “**said supplementary data included in the contents file is accessed when the reproducing apparatus has a small memory capacity**” in lines 10-11 of claim 1; lines 12-13 of claim 5; lines 11-12 of claims 6 and 15; lines 14-15 of claims 7, 9 and 16-17; lines 15-16 of claims 12 and 18, contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.



***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-3, 5-10, 12, 13 and 15-28** are rejected under 35 U.S.C. 103(a) unpatentable over Seo et al. (US Pub. No. 2004/0010415 A1) in view of Fukuda (US Pat. No. 6,469,239 B1).

As per **claim 1**, Seo et al. discloses **a computer-readable storage medium, comprising:**

**a contents area configured to record a contents file, the contents file including contents data and supplementary data corresponding to said contents data;** (see e.g., FIG. 9; ¶ 0016 lines 2-12; ¶ 0039 lines 9-12; ¶ 0016 lines 18-24; and ¶ 0090; as the table in FIG. 9 interpreted as the contents file contained information interpreted as the supplementary data; and the file database interpreted as the contents area).

**a database area, separate from the contents area, configured to record a database file, the database file including said supplementary data corresponding to said contents data included in the contents file,** (see e.g., FIG. 8; ¶ 0016 lines 2-12; ¶ 0040 lines 1-9; ¶ 0016 lines 12-18); and ¶ 0085; as the table in FIG. 8 interpreted as the database file contained information interpreted as the supplementary data; the

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directory database interpreted as the database area; and as discussed above, *the directory database* is separated from the file database).

**wherein said supplementary data included in the contents file or said supplementary data included in the database file is accessed by a reproducing apparatus based on a memory capacity of the reproducing apparatus**, (see e.g., ¶ 0016 lines 1-24 as recording the directory database (i.e., referred as database file) in the second recording media, wherein fields contained directory information being accessed during the recording process).

**said supplementary data included in the database file is accessed when the reproducing apparatus has a sufficient memory capacity** (see e.g., ¶ 0016 lines 1-18; as the act of recording the directory database (i.e., referred as database file) in the second recording media must inherently required a sufficient memory capacity in the second recording media in order to record the directory database).

However, Fukuda discloses **said supplementary data included in the contents file is accessed when the reproducing apparatus has a small memory capacity, and** which is not explicitly disclose by Seo et al. as (see e.g., col. 17 line 66 to col. 18 line 27; as a file size of the compression music data (i.e., referred as a supplementary data) included in the contents file; and the vacant capacity in the HDD 106 of the portable recording and reproducing apparatus 70 is found insufficient when it is compared to the file size of the compression music data). Furthermore, this interpretation is deemed reasonable as applicant offer no explicitly and deliberate

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definitions in the instant disclosure to further narrow the claimed limitation nor is there any more specific implicit evidence for a narrower interpretation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 2**, Seo et al. discloses **the computer-readable storage medium according to claim 1, wherein a data size of said supplementary data included in said contents file and the data size of the supplementary data included in said database file are prescribed to maintain the identity of said supplementary data included in said contents file and the supplementary data included in said database file** (see e.g., ¶ 0085 as wherein the table in FIG. 8 interpreted as the database file; and ¶ 0090 as wherein the table in FIG. 9 interpreted as the contents file; and the Parent Dir Index maintains the identity of the supplementary data between the contents file and the database file).

As per **claim 3**, Seo et al. discloses **the computer-readable storage medium according to claim 1, wherein said contents data includes digital audio data, and said supplementary data includes data of a title, an artist's name, and an album name, the data of said title, said data of the artist's name, and said data of the**

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**album name are stored in respective different database files** (see e.g., ¶ 0016 lines 7-11; ¶ 0048 lines 5-7 wherein data fields and data (FD) interpreted as digital audio data; ¶ 0057 lines 7-12; and ¶ 0131 lines 3-5).

As per **claim 5**, Seo et al. discloses **a recording method, comprising recording, on a predetermined recording medium, a contents file including contents data and supplementary data corresponding to said contents data; and** (see e.g., FIG. 9; ¶ 0016 lines 18-24; and ¶ 0090; as the table in FIG. 9 interpreted as the contents file).

**recording, on said predetermined recording medium, a database file including said supplementary data corresponding to said contents data included in said contents file,** (see e.g., ¶ 0016 lines 12-18; and ¶ 0085; as the table in FIG. 8 interpreted as the database file).

**wherein the database file is recorded in a database area and the contents file is recorded in a contents area, separate from the database area,** as discussed above, *the directory database* interpreted as the database area that is separated from the file database interpreted as the contents area.

**said supplementary data included in the contents file or said supplementary data included in the database file is accessed by a reproducing apparatus based on a memory capacity of the reproducing apparatus,** (see e.g., ¶ 0016 lines 1-24 as recording the directory database (i.e., referred as database file) in

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the second recording media, wherein fields contained directory information being accessed during the recording process).

**said supplementary data included in the database file is accessed when the reproducing apparatus has a sufficient memory capacity** (see e.g., ¶ 0016 lines 1-18; as the act of recording the directory database (i.e., referred as database file) in the second recording media must inherently required a sufficient memory capacity in the second recording media in order to record the directory database).

However, Fukuda discloses **said supplementary data included in the contents file is accessed when the reproducing apparatus has a small memory capacity, and** which is not explicitly disclose by Seo et al. as (see e.g., col. 17 line 66 to col. 18 line 27; as a file size of the compression music data (i.e., referred as a supplementary data) included in the contents file; and the vacant capacity in the HDD 106 of the portable recording and reproducing apparatus 70 is found insufficient when it is compared to the file size of the compression music data). Furthermore, this interpretation is deemed reasonable as applicant offer no explicitly and deliberate definitions in the instant disclosure to further narrow the claimed limitation nor is there any more specific implicit evidence for a narrower interpretation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 6**, Seo et al. discloses **a recording apparatus, comprising:**  
**recording means for recording, on a predetermined recording medium, a contents file and a database file,** (see e.g., ¶ 0016 lines 12-18 as the information recorded from directory information recording area into the directory database interpreted as the database file; and ¶ 0016 lines 18-24 as the information recorded from data recording area into the file database interpreted as the contents file).

**said contents file including contents data and supplementary data corresponding to said contents data, and** (see e.g., FIG. 9; and ¶ 0090; as the table in FIG. 9 interpreted as the contents file).

**said database file including said supplementary data corresponding to said contents data included in said contents file,** (see e.g., FIG. 8; and ¶ 0085) wherein the table in FIG. 8 interpreted as the database file).

**wherein the database file is recorded in a database area and the contents file is recorded in a contents area, separate from the database area,** as discussed above, *the directory database* interpreted as the database area that is separated from the file database interpreted as the contents area.

**said supplementary data included in the contents file or said supplementary data included in the database file is accessed by a reproducing apparatus based on a memory capacity of the reproducing apparatus,** (see e.g., ¶ 0016 lines 1-24 as recording the directory database (i.e., referred as database file) in

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the second recording media, wherein fields contained directory information being accessed during the recording process).

**said supplementary data included in the database file is accessed when the reproducing apparatus has a sufficient memory capacity** (see e.g., ¶ 0016 lines 1-18; as the act of recording the directory database (i.e., referred as database file) in the second recording media must inherently required a sufficient memory capacity in the second recording media in order to record the directory database).

However, Fukuda discloses **said supplementary data included in the contents file is accessed when the reproducing apparatus has a small memory capacity, and** which is not explicitly disclose by Seo et al. as (see e.g., col. 17 line 66 to col. 18 line 27; as a file size of the compression music data (i.e., referred as a supplementary data) included in the contents file; and the vacant capacity in the HDD 106 of the portable recording and reproducing apparatus 70 is found insufficient when it is compared to the file size of the compression music data). Furthermore, this interpretation is deemed reasonable as applicant offer no explicitly and deliberate definitions in the instant disclosure to further narrow the claimed limitation nor is there any more specific implicit evidence for a narrower interpretation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 7**, Seo et al. discloses:

**readout means for reading out supplementary data stored in a contents file from a recording medium having recorded thereon said contents file and a database file, said contents file including contents data and said supplementary data corresponding to said contents data, and said database file including said supplementary data corresponding to said contents data included in said contents file; and** (see e.g., ¶ 0016 lines 2-12 as the directory information recording area and the data recording area interpreted as the recording medium; ¶ 0016 lines 12-18 as the information recorded from directory information recording area into the directory database interpreted as the database file; and ¶ 0016 lines 18-24 as the information recorded in the file database from data recording area interpreted as the contents file).

**outputting means for outputting the supplementary data, included in said contents file, read out by said readout means,** (see e.g., FIG. 8; ¶ 0085; and ¶ 0090; as the directory database and the file database included the information in FIGS. 8 and 9 interpreted as outputting the supplementary data).

**wherein the database file is recorded in a database area and the contents file is recorded in a contents area, separate from the database area,** as discussed above, *the directory database* interpreted as the database area that is separated from the file database interpreted as the contents area.



**said supplementary data included in the contents file or said supplementary data included in the database file is accessed by the reproducing apparatus based on a memory capacity of the reproducing apparatus,** (see e.g., ¶ 0016 lines 1-24 as recording the directory database (i.e., referred as database file) in the second recording media, wherein fields contained directory information being accessed during the recording process).

**said supplementary data included in the database file is accessed when the reproducing apparatus has a sufficient memory capacity**(see e.g., ¶ 0016 lines 1-18; as the act of recording the directory database (i.e., referred as database file) in the second recording media must inherently required a sufficient memory capacity in the second recording media in order to record the directory database).

However, Fukuda discloses **said supplementary data included in the contents file is accessed when the reproducing apparatus has a small memory capacity,** and which is not explicitly disclose by Seo et al. as (see e.g., col. 17 line 66 to col. 18 line 27; as a file size of the compression music data (i.e., referred as a supplementary data) included in the contents file; and the vacant capacity in the HDD 106 of the portable recording and reproducing apparatus 70 is found insufficient when it is compared to the file size of the compression music data). Furthermore, this interpretation is deemed reasonable as applicant offer no explicitly and deliberate definitions in the instant disclosure to further narrow the claimed limitation nor is there any more specific implicit evidence for a narrower interpretation.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 8**, Seo et al. discloses the reproducing apparatus **according to claim 7, further comprising:**

**reproducing means for said contents data, wherein said readout means reads out the contents data included in said contents file, and said reproducing means reproduces the contents data read out from said readout means** (see e.g., ¶ 0016 lines 18-24; and ¶ 0090; as the file database included the information in FIG. 9 interpreted as the contents data; however, may not be specific to a reproducing apparatus).

However, Fukuda discloses a reproducing apparatus which does not explicitly disclose by Seo et al. as (see e.g., col. 1 lines 6-12; and col. 2 lines 65-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 9**, Seo et al. discloses:

**readout means for reading out supplementary data stored in a database file, from a recording medium having recorded thereon a contents file and said database file, said contents file including contents data and said supplementary data corresponding to said contents data, and said database file including said supplementary data corresponding to said contents data included in said contents file; and** (see e.g., ¶ 0016 lines 2-12 as the directory information recording area and the data recording area interpreted as the recording medium; and ¶ 0016 lines 12-18 as the information recorded from directory information recording area into the directory database interpreted as the database file).

**outputting means for outputting the supplementary data, including in said database file, read out by said readout means,** (see e.g., FIG. 8; and ¶ 0085 as the directory database included the information in FIG. 8 interpreted as the outputting the supplementary data).

**wherein the database file is recorded in a database area and the contents file is recorded in a contents area, separate from the database area,** as discussed above, *the directory database* interpreted as the database area that is separated from the file database interpreted as the contents area.

**said supplementary data included in the contents file or said supplementary data included in the database file is accessed by the reproducing apparatus based on a memory capacity of the reproducing apparatus,** (see e.g., ¶ 0016 lines 1-24 as recording the directory database (i.e., referred as database file) in

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the second recording media, wherein fields contained directory information being accessed during the recording process).

**said supplementary data included in the database file is accessed when the reproducing apparatus has a sufficient memory capacity** (see e.g., ¶ 0016 lines 1-18; as the act of recording the directory database (i.e., referred as database file) in the second recording media must inherently required a sufficient memory capacity in the second recording media in order to record the directory database).

However, Fukuda discloses **said supplementary data included in the contents file is accessed when the reproducing apparatus has a small memory capacity, and** which is not explicitly disclose by Seo et al. as (see e.g., col. 17 line 66 to col. 18 line 27; as a file size of the compression music data (i.e., referred as a supplementary data) included in the contents file; and the vacant capacity in the HDD 106 of the portable recording and reproducing apparatus 70 is found insufficient when it is compared to the file size of the compression music data). Furthermore, this interpretation is deemed reasonable as applicant offer no explicitly and deliberate definitions in the instant disclosure to further narrow the claimed limitation nor is there any more specific implicit evidence for a narrower interpretation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 10**, Seo et al. discloses the reproducing apparatus **according to claim 9, further comprising reproducing means for said contents data, wherein said readout means reads out the contents data included in said contents file, and said reproducing means reproduces the contents data read out from said readout means** (see e.g., ¶ 0016 lines 12-18 as the information recorded from directory information recording area into the directory database interpreted as the database file; and ¶ 0085 as the directory database included the information in FIG. 9 interpreted as the contents data; however, may not be specific to a reproducing apparatus).

However, Fukuda discloses a reproducing apparatus which does not explicitly disclose by Seo et al. as (see e.g., col. 1 lines 6-12; and col. 2 lines 65-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 12**, Seo et al. discloses:

**readout means for selectively reading out, from a recording medium having recorded thereon a contents file and a database file, supplementary data included in said contents file and the supplementary data included in said database file, said contents file including contents data and said supplementary data**

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**corresponding to said contents data, and said database file including said supplementary data corresponding to said contents data included in said contents file; and** (see e.g., ¶ 0016 lines 2-12 as the directory information recording area and the data recording area interpreted as the recording medium; ¶ 0016 lines 12-18 as the information recorded from directory information recording area into the directory database interpreted as the database file; and ¶ 0016 lines 18-24; however may not be specific to a reproducing apparatus that audio data file reading out selectively from the user).

**outputting means for outputting the supplementary data read out by said readout means,** (see e.g., FIGS. 8-9; ¶ 0085; and ¶ 0090; as the directory database and the file database included the information in FIGS. 8 and 9 interpreted as outputting the supplementary data).

**wherein the database file is recorded in a database area and the contents file is recorded in a contents area, separate from the database area,** as discussed above, *the directory database* interpreted as the database area that is separated from the file database interpreted as the contents area.

**the read out means reads out said supplementary data included in the contents file or said supplementary file included in the database area based on a memory capacity of the reproducing apparatus,** (see e.g., ¶ 0016 lines 1-24 as recording the directory database (i.e., referred as database file) in the second recording media, wherein fields contained directory information being accessed during the recording process).

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**the read out means reads out said supplementary data included in the database file when the reproducing apparatus has a sufficient memory capacity** (see e.g., ¶ 0016 lines 1-18; as the act of recording the directory database (i.e., referred as database file) in the second recording media must inherently required a sufficient memory capacity in the second recording media in order to record the directory database).

However, Fukuda discloses the limitations which are not explicitly disclose by Seo et al. as the followings:

a reproducing apparatus that audio data file reading out selectively from the user (see e.g., col. 4 lines 31-37).

**said supplementary data included in the contents file is accessed when the reproducing apparatus has a small memory capacity, and** (see e.g., col. 17 line 66 to col. 18 line 27; as a file size of the compression music data (i.e., referred as a supplementary data) included in the contents file; and the vacant capacity in the HDD 106 of the portable recording and reproducing apparatus 70 is found insufficient when it is compared to the file size of the compression music data). Furthermore, this interpretation is deemed reasonable as applicant offer no explicitly and deliberate definitions in the instant disclosure to further narrow the claimed limitation nor is there any more specific implicit evidence for a narrower interpretation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and

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copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 13**, Seo et al. discloses the reproducing apparatus **according to claim 12, further comprising reproducing means for said contents data, wherein said readout means also reads out contents data included in said contents file, and said reproducing means reproduces the contents data read out from said readout means** (see e.g., FIG. 9; ¶ 0016 lines 18-24; and ¶ 0090; as wherein the file database included the information in FIG. 9 interpreted as the contents data; however, may not be specific to a reproducing apparatus).

However, Fukuda discloses a reproducing apparatus which does not explicitly disclose by Seo et al. as (see e.g., col. 1 lines 6-12; and col. 2 lines 65-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 15**, Seo et al. discloses **a recording apparatus, comprising: a recording unit configured to record, on a predetermined recording medium, a contents file and a database file**, (see e.g., ¶ 0016 lines 12-18 as the information recorded from directory information recording area into the directory



database interpreted as the database file; and ¶ 0016 lines 18-24 as the information recorded from data recording area into the file database interpreted as the contents file).

**said contents file including contents data and supplementary data corresponding to said contents data, and** (see e.g., FIG. 9; and ¶ 0090 as the table in FIG. 9 interpreted as the contents file).

**said database file including said supplementary data corresponding to said contents data included in said contents file,** (see e.g., FIG. 8; and ¶ 0085; as the table in FIG. 8 interpreted as the database file).

**wherein the database file is recorded in a database area and the contents file is recorded in a contents area, separate from the database area,** as discussed above, *the directory database* interpreted as the database area that is separated from the file database interpreted as the contents area.

**said supplementary data included in the contents file or said supplementary data included in the database file is accessed by a reproducing apparatus based on a memory capacity of the reproducing apparatus,** (see e.g., ¶ 0016 lines 1-24 as recording the directory database (i.e., referred as database file) in the second recording media, wherein fields contained directory information being accessed during the recording process).

**said supplementary data included in the database file is accessed when the reproducing apparatus has a sufficient memory capacity** (see e.g., ¶ 0016 lines 1-18; as the act of recording the directory database (i.e., referred as database file) in the

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second recording media must inherently required a sufficient memory capacity in the second recording media in order to record the directory database).

However, Fukuda discloses **said supplementary data included in the contents file is accessed when the reproducing apparatus has a small memory capacity, and** which is not explicitly disclose by Seo et al. as (see e.g., col. 17 line 66 to col. 18 line 27; as a file size of the compression music data (i.e., referred as a supplementary data) included in the contents file; and the vacant capacity in the HDD 106 of the portable recording and reproducing apparatus 70 is found insufficient when it is compared to the file size of the compression music data). Furthermore, this interpretation is deemed reasonable as applicant offer no explicitly and deliberate definitions in the instant disclosure to further narrow the claimed limitation nor is there any more specific implicit evidence for a narrower interpretation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 16**, Seo et al. discloses:

**a readout unit configured to read out supplementary data stored in a contents file from a recording medium having recorded thereon said contents file and a database file, said contents file including contents data and said**

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**supplementary data corresponding to said contents data, and said database file including said supplementary data corresponding to said contents data included in said contents file; and** (see e.g., ¶ 0016 lines 2-12 as the directory information recording area and the data recording area interpreted as the recording medium; ¶ 0016 lines 12-18 as the information recorded from directory information recording area into the directory database interpreted as the database file; and ¶ 0016 lines 18-24 as the information recorded in the file database from data recording area interpreted as the contents file).

**an outputting unit configured to output the supplementary data, included in said contents file, read out by said readout unit,** (see e.g., FIGS. 8-9; ¶ 0085; and ¶ 0090 as the directory database and the file database included the information in FIGS. 8 and 9 interpreted as outputting the supplementary data).

**wherein the database file is recorded in a database area and the contents file is recorded in a contents area, separate from the database area,** as discussed above, *the directory database* interpreted as the database area that is separated from the file database interpreted as the contents area.

**said supplementary data included in the contents file or said supplementary data included in the database file is accessed by the reproducing apparatus based on a memory capacity of the reproducing apparatus,** (see e.g., ¶ 0016 lines 1-24 as recording the directory database (i.e., referred as database file) in the second recording media, wherein fields contained directory information being accessed during the recording process).

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**said supplementary data included in the database file is accessed when the reproducing apparatus has a sufficient memory capacity** (see e.g., ¶ 0016 lines 1-18; as the act of recording the directory database (i.e., referred as database file) in the second recording media must inherently required a sufficient memory capacity in the second recording media in order to record the directory database).

However, Fukuda discloses **said supplementary data included in the contents file is accessed when the reproducing apparatus has a small memory capacity, and** which is not explicitly disclose by Seo et al. as (see e.g., col. 17 line 66 to col. 18 line 27; as a file size of the compression music data (i.e., referred as a supplementary data) included in the contents file; and the vacant capacity in the HDD 106 of the portable recording and reproducing apparatus 70 is found insufficient when it is compared to the file size of the compression music data). Furthermore, this interpretation is deemed reasonable as applicant offer no explicitly and deliberate definitions in the instant disclosure to further narrow the claimed limitation nor is there any more specific implicit evidence for a narrower interpretation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 17**, Seo et al. discloses:

**a readout unit configured to read out supplementary data stored in a database file, from a recording medium having recorded thereon a contents file and said database file, said contents file including contents data and said supplementary data corresponding to said contents data, and said database file including said supplementary data corresponding to said contents data included in said contents file; and** (see e.g., ¶ 0016 lines 2-12 as the directory information recording area and the data recording area interpreted as the recording medium; and ¶ 0016 lines 12-18 as the information recorded from directory information recording area into the directory database interpreted as the database file).

**an outputting unit configured to output the supplementary data, included in said database file, read out by said readout unit,** (see e.g., FIG. 8; and ¶ 0085; as the directory database included the information in FIG. 8 interpreted as the outputting the supplementary data).

**wherein the database file is recorded in a database area and the contents file is recorded in a contents area, separate from the database area,** as discussed above, *the directory database* interpreted as the database area that is separated from the file database interpreted as the contents area.

**said supplementary data included in the contents file or said supplementary data included in the database file is accessed by the reproducing apparatus based on a memory capacity of the reproducing apparatus,** (see e.g., ¶ 0016 lines 1-24 as recording the directory database (i.e., referred as database file) in

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the second recording media, wherein fields contained directory information being accessed during the recording process).

**said supplementary data included in the database file is accessed when the reproducing apparatus has a sufficient memory capacity** (see e.g., ¶ 0016 lines 1-18; as the act of recording the directory database (i.e., referred as database file) in the second recording media must inherently required a sufficient memory capacity in the second recording media in order to record the directory database).

However, Fukuda discloses **said supplementary data included in the contents file is accessed when the reproducing apparatus has a small memory capacity, and** which is not explicitly disclose by Seo et al. as (see e.g., col. 17 line 66 to col. 18 line 27; as a file size of the compression music data (i.e., referred as a supplementary data) included in the contents file; and the vacant capacity in the HDD 106 of the portable recording and reproducing apparatus 70 is found insufficient when it is compared to the file size of the compression music data). Furthermore, this interpretation is deemed reasonable as applicant offer no explicitly and deliberate definitions in the instant disclosure to further narrow the claimed limitation nor is there any more specific implicit evidence for a narrower interpretation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 18**, Seo et al. discloses:

**a readout unit configured to selectively read out, from a recording medium having recorded thereon a contents file and a database file, supplementary data included in said contents file and the supplementary data included in said database file, said contents file including contents data and said supplementary data corresponding to said contents data, and said database file including said supplementary data corresponding to said contents data included in said contents file; and** (see e.g., ¶ 0016 lines 2-12 as the directory information recording area and the data recording area interpreted as the recording medium; ¶ 0016 lines 12-18 as the information recorded from directory information recording area into the directory database interpreted as the database file; and ¶ 0016 lines 18-24; however, may not be specific to a reproducing apparatus that audio data file reading out selectively from the user).

**an outputting unit configured to output the supplementary data read out by said readout unit,** (see e.g., FIGS. 8-9; ¶ 0085; and ¶ 0090; as the directory database and the file database included the information in FIGS. 8 and 9 interpreted as outputting the supplementary data).

**wherein the database file is recorded in a database area and the contents file is recorded in a contents area, separate from the database area,** as discussed above, *the directory database* interpreted as the database area that is separated from the file database interpreted as the contents area.

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**the read out means reads out said supplementary data included in the contents file or said supplementary data included in the database file based on a memory capacity of the reproducing apparatus,** (see e.g., ¶ 0016 lines 1-24 as recording the directory database (i.e., referred as database file) in the second recording media, wherein fields contained directory information being accessed during the recording process).

**the read out means reads out said supplementary data included in the database file when the reproducing apparatus has a sufficient memory capacity** (see e.g., ¶ 0016 lines 1-18; as the act of recording the directory database (i.e., referred as database file) in the second recording media must inherently required a sufficient memory capacity in the second recording media in order to record the directory database).

However, Fukuda discloses the limitations which are not explicitly disclose by Seo et al. as the followings:

a reproducing apparatus that audio data file reading out selectively from the user (see e.g., col. 4 lines 31-37).

**the read out means reads out said supplementary data included in the contents file when the reproducing apparatus has a small memory capacity, and** (see e.g., col. 17 line 66 to col. 18 line 27; as a file size of the compression music data (i.e., referred as a supplementary data) included in the contents file; and the vacant capacity in the HDD 106 of the portable recording and reproducing apparatus 70 is found insufficient when it is compared to the file size of the compression music data).



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Furthermore, this interpretation is deemed reasonable as applicant offer no explicitly and deliberate definitions in the instant disclosure to further narrow the claimed limitation nor is there any more specific implicit evidence for a narrower interpretation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 19**, Seo et al. discloses **the computer-readable storage medium according to claim 1, wherein the contents area is configured to record a second contents file including second contents data and second supplementary data corresponding to said second contents data, and** (see e.g., FIG. 9; ¶ 0016 lines 2-12; ¶ 0039 lines 9-12; ¶ 0016 lines 18-24; and ¶ 0090).

**the database area is configured to record the database file including said supplementary data and said second supplementary data included in the contents file and the second contents file, respectively** (see e.g., ¶ 0016 lines 2-12; ¶ 0040 lines 1-9; ¶ 0016 lines 12-18; and ¶ 0085).

As per **claim 20**, Seo et al. discloses **the recording method according to claim 5, wherein the recording the contents file comprises recording a second contents file including second contents data and second supplementary data**

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**corresponding to said second contents data, and** (see e.g., FIG. 9; ¶ 0016 lines 2-12; ¶ 0039 lines 9-12; ¶ 0016 lines 18-24; and ¶ 0090).

**the recording the database file comprises recording the database file including said supplementary data and said second supplementary data included in the contents file and the second contents file, respectively** (see e.g., ¶ 0016 lines 2-12; ¶ 0040 lines 1-9; ¶ 0016 lines 12-18; and ¶ 0085).

As per **claim 21**, Seo et al. discloses **the recording apparatus according to claim 6, wherein the recording means records a second contents file including second contents data and second supplementary data corresponding to said second contents data, and** (see e.g., ¶ 0016 lines 2-12; ¶ 0039 lines 9-12; ¶ 0016 lines 18-24; and ¶ 0090).

**records the database file including said supplementary data and said second supplementary data included in the contents file and the second contents file, respectively** (see e.g., ¶ 0016 lines 2-12; ¶ 0040 lines 1-9; ¶ 0016 lines 12-18; and ¶ 0085).

As per **claim 22**, Seo et al. discloses **the reproducing apparatus according to claim 7, wherein the readout means reads out the supplementary data and second supplementary data, stored in the contents file and a second contents file, respectively, from the recording medium, the recording medium having recorded thereon the second contents file including second contents data and**

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**the second supplementary data corresponding to said second contents data and the database file including said supplementary data and said second supplementary data included in the contents file and the second contents file, respectively** (see e.g., FIG. 9; ¶ 0016 lines 2-12; ¶ 0039 lines 9-12; ¶ 0016 lines 18-24; and ¶ 0090).

As per **claim 23**, Seo et al. discloses **the reproducing apparatus according to claim 9, wherein the readout means reads out the supplementary data and second supplementary data stored in the database file, from the recording medium having stored thereon a second contents file including second contents data and the second supplementary data corresponding to said second contents data and the database file including said supplementary data and said second supplementary data included in the contents file and the second contents file, respectively** (see e.g., ¶ 0016 lines 2-12; ¶ 0040 lines 1-9; ¶ 0016 lines 12-18; and ¶ 0085).

As per **claim 24**, Seo et al. discloses **the reproducing apparatus according to claim 12, wherein**

**the readout means selectively reads out said contents file and said database file from the recording medium, the recording medium having recorded thereon a second contents file including second contents data and second supplementary data corresponding to said second contents data and the**

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**database file including said supplementary data and said second supplementary data included in the contents file and the second contents file, respectively** (see e.g., FIGS. 8-9; ¶ 0016 lines 18-24; and ¶ 0090 interpreted as the contents file; ¶ 0016 lines 12-18; and ¶ 0085 interpreted as the database file; however, may not be specific to a reproducing apparatus that audio data file reading out selectively from the user).

However, Fukuda discloses a reproducing apparatus that audio data file reading out selectively from the user, which does not explicitly disclose by Seo et al. as (see e.g., col. 4 lines 31-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per **claim 25**, Seo et al. discloses **the recording apparatus according to claim 15, wherein the recording unit is configured to record a second contents file including second contents data and second supplementary data corresponding to said second contents data, and** (see e.g., FIG. 9; ¶ 0016 lines 2-12; ¶ 0039 lines 9-12; ¶ 0016 lines 18-24; and ¶ 0090).

**to record the database file including said supplementary data and said second supplementary data included in the contents file and the second contents**

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**file, respectively** (see e.g., ¶ 0016 lines 2-12; ¶ 0040 lines 1-9; ¶ 0016 lines 12-18; and ¶ 0085).

As per **claim 26**, Seo et al. discloses **the reproducing apparatus according to claim 16, wherein the readout unit is configured to read out the supplementary data and second supplementary data, stored in the contents file and a second contents file, respectively, from the recording medium, the recording medium having recorded thereon the second contents file including second contents data and the second supplementary data corresponding to said second contents data and the database file including said supplementary data and said second supplementary data included in the contents file and the second contents file, respectively** (see e.g., ¶ 0016 lines 2-12; ¶ 0039 lines 9-12; ¶ 0016 lines 18-24; and 0090).

As per **claim 27**, Seo et al. discloses **the reproducing apparatus according to claim 17, wherein the readout unit is configured to read out the supplementary data and second supplementary data stored in the database file, from the recording medium having stored thereon a second contents file including second contents data and the second supplementary data corresponding to said second contents data and the database file including said supplementary data and said second supplementary data included in the contents file and the second contents**

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**file, respectively** (see e.g., ¶ 0016 lines 2-12; ¶ 0040 lines 1-9; ¶ 0016 lines 12-18; ; and ¶ 0085).

As per **claim 28**, Seo et al. discloses **the reproducing apparatus according to claim 18, wherein**

**the readout unit is configured to selectively read out said contents file and said database file from the recording medium, the recording medium having recorded thereon a second contents file including second contents data and second supplementary data corresponding to said second contents data and the database file including said supplementary data and said second supplementary data included in the contents file and the second contents file, respectively** (see e.g., FIGS. 8-9; ¶ 0016 lines 18-24; and ¶ 0090 interpreted as the contents file; ¶ 0016 lines 12-18; and ¶ 0085) interpreted as the database file; however, may not be specific to a reproducing apparatus that audio data file reading out selectively from the user).

However, Fukuda discloses a reproducing apparatus that audio data file reading out selectively from the user, which does not explicitly disclose by Seo et al. as (see e.g., col. 4 lines 31-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Seo et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

10. **Claims 4, 11 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo et al. in view of Fukuda, and further in view of Ogihara et al. (US Pub. No. 2004/0117547 A1).

As per **claim 4**, Seo et al. and Fukuda do not explicitly disclose **the computer-readable storage medium according to claim 1 wherein said computer-readable storage medium is a disc-shaped recording medium on which recording is made by a recording head.**

However, Ogihara et al. discloses as (see e.g., ¶ 0043).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Ogihara et al. teaching of reproducing an audio-only disk-shaped recording medium into Seo et al. and Fukuda systems in order to provide an information processing method for reading an audio signal from an audio-only disk-shaped recording medium by a reproducing device and reproducing the audio signal (Ogihara et al., ¶ 0021 lines 1-3).

As per **claim 11**, Seo et al. and Fukuda do not explicitly disclose **the reproducing apparatus according to claim 9, wherein a plurality of the contents data are recorded on said recording medium; said outputting means forms said supplementary data into a list and displays the resulting list; and the reproducing apparatus further comprises selecting means for selectively reading out at least**

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**one of said supplementary data displayed on said outputting means, the contents data corresponding to the supplementary data selected being read out from said recording medium and reproduced.**

However, Ogihara et al. discloses as using a GUI screen for managing and reproducing an audio file (see e.g., ¶ 0041 – 0042).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Ogihara et al. teaching of reproducing an audio-only disk-shaped recording medium into Seo et al. and Fukuda systems in order to provide an information processing method for reading an audio signal from an audio-only disk-shaped recording medium by a reproducing device and reproducing the audio signal (Ogihara et al., ¶ 0021 lines 1-3).

As per **claim 14**, Seo et al. and Fukuda do not explicitly disclose **the reproducing apparatus according to claim 12, wherein a plurality of the contents data are recorded on said recording medium; said outputting means forms said supplementary data into a list and displays the resulting list; and the reproducing apparatus further comprises selecting means for selectively reading out at least one of said supplementary data displayed on said outputting means, the contents data corresponding to the supplementary data selected being read out from said recording medium and reproduced.**

However, Ogihara et al. discloses as using a GUI screen for managing and reproducing an audio file (see e.g., ¶ 0041 – 0042).



It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Ogihara et al. teaching of reproducing an audio-only disk-shaped recording medium into Seo et al. and Fukuda systems in order to provide an information processing method for reading an audio signal from an audio-only disk-shaped recording medium by a reproducing device and reproducing the audio signal (Ogihara et al., ¶ 0021 lines 1-3).

### ***Conclusion***

11. The following prior art made of record on form PTO-892 and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See **MPEP 707.059(c)**.

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12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Contact Information***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bai D. Vu whose telephone number is 571-270-1751. The examiner can normally be reached on Mon - Fri 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached on 571-272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/B. D. V./  
Examiner, Art Unit 2165

/John R. Cottingham/  
Supervisory Patent Examiner, Art  
Unit 2167

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